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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF MISSISSIPPI

UNITED STATES DISTRICT COURT

for the

N.D. Mississippi, Greenville Division

Beau McPhail

Plaintiff

v.

Honorable State Court

Judge

Percy L. Lynchard

Defendant

Civil Action No:

4:24-cv-002-DMB-JMV

MOTION FOR ENTRY OF DEFAULT JUDGMENT

Comes now Beau McPhail, Movant herein, and requests the Court, pursuant to Rule 55(b)(2) of the Federal Rules of Civil Procedure, for the entry of a judgment by default against Defendant, Percy L. Lynchard and the Mississippi family law code. In support of this request, Movant relies upon the record in this case and the Clerk's April 15, 2024, notice that Defendant is in default and the facts set forth by affidavit attached to and made a part of this motion (See Movant's AFFIDAVIT IN SUPPORT OF MOTION FOR ENTRY OF DEFAULT JUDGEMENT, attached hereto, marked Exhibit "A")

1. In Movant's request for declaratory relief, he asserted that the state court lacked jurisdiction to rule in his interests and that the standards applied were otherwise unconstitutional. This is essential to the preliminary injunctive relief Movant requested and that Movant asks this Court to expedite in providing this default relief.

2. If the state judge and the state are to take a default on this suit, that default has direct implications for the state's authority to hold Movant's father in prison for asserting his constitutional rights not to be compelled to prove his fitness as a father in child custody proceedings incident to divorce.

3. Movant, in his complaint, asked for the following preliminary relief:

177) Plaintiff seeks immediate preliminary injunctive relief restoring his fit father to him and ceasing all state persecution of his fit father that is authorized or justified either directly or indirectly as being in Plaintiff's best interests...

4. Movant asks this court to urgently grant this and the other preliminary relief as it is directly applicable to Movant's Father's ongoing habeas corpus petition and release from unconstitutional imprisonment that that unconstitutional imprisonment being predicated upon the claim of being in Movant's best interests.

5. Movant needs his father even as an adult and pleads with this Court to restore his father to him as quickly as possible.

PRAYER

6. Beau McPhail prays for the entry of a default judgment against Defendant and against the Mississippi family law code.

7. Beau McPhail prays for urgent preliminary injunctive relief.

8. Plaintiff prays for any other such further relief as the court deems just and proper.¹

Respectfully Submitted by:

By: /s/ Beau McPhail BWM
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Calhoun City, MS 38916

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¹ NEW YORK STATE RIFLE & PISTOL ASSOCIATION, INC. v. City of New York, _____, (2020), (And while the amended complaint does not expressly seek damages, it is enough that it requests "any other such further relief as the court deems just and proper." ... a party should experience little difficulty in securing a remedy other than that demanded in the pleadings as long as the party shows a right to it...)


CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing document was sent by registered mail to the following recipients, on this the 21st day of April, 2024, to-wit:

Judge Percy L. Lynchard
Office of the Grenada County Chancery Court
59 Green Street
Grenada, MS 38901

Office of the MS Attorney General
550 High Street
Jackson, MS 39201

Respectfully submitted,


By: /s/ Beau McPhail
Beau McPhail, Pro Se
143 CR 380
Calhoun City, MS 38916

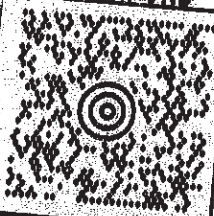
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